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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,052	09/09/2004	Agatha Colangelo	CA920010094US1	8255

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN, TX 78758

EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2192

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/507,052	Applicant(s) COLANGELO ET AL.	
	Examiner CHUCK O. KENDALL	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-85 is/are pending in the application.
- 4a) Of the above claim(s) 1-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/18, 7/12, 6/13 and 9/13</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This is in response to Application file 09/04/04.
2. Claims 46 – 85 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 46 – 57, 63, 69 – 75, and 81 – 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen US 6,373,502 B1 in view of Meyer et al. US 6,915,271 B1.

Regarding claims 46, 50, 54, 70, 73 and 82, a computer program product for generating pop-up windows for a computer system, the program product comprising a computer usable medium tangibly embodying computer readable program code means for implementation in combination with a development tool, the

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development tool accepting a set of definition files having a format selected from SGML format or XML format, the definition files comprising a link definition file and a content definition file, the computer readable program code means comprising (1:35 – 45):

code means for generating an HTML content file based on the content definition file, the HTML content file having a pop-up content file name, code means for identifying a pop-up link definition including a defined keyword, initially contained in the link definition file (1:35 – 65),

code means for generating an HTML output file, the HTML output file being based on the link definition file and comprising (1:35 – 65 also see 6:45 – 65).

Although, Nielsen doesn't disclose a JavaScript function definition, the JavaScript function definition comprising code for opening a pop-up window to display content derived from an HTML file specified by an identified parameter, and HTML code corresponding to the pop-up link definition and comprising a call to the JavaScript function with the pop-up content file name as the identified parameter, he does implement his invention using a java browser (3:40 – 50).

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However, Meyer in an analogous art discloses implementing a similar configuration of pop-ups by embedding the JavaScript in the HTML code and utilizing the script for opening, sizing and positioning of the pop-up windows (54:50 – 67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Niesen and Meyer because it would enable viewing and clipping incentives for use with the HTML as suggested by Meyer.

Regarding claims 47, 51, 55, 71, 74, 83 and 84, the computer program product of claim 46 in which the computer readable program code means comprises a post-processor, the development tool comprising means for generating a first intermediate HTML file based on the content definition file and a second intermediate HTML file based on the link definition file, the development tool passing the pop-up link definition from the link definition file to the second intermediate HTML file, the post-processor comprising code means for accepting the intermediate HTML files as input (1:45 – 65).

Regarding claims 48, 52, 56, 72, 75 and 85, the computer program product of claim 47 in which the code means for identifying a pop-up link definition including a defined keyword comprises code

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means for scanning the second intermediate HTML file to locate the defined keyword (1:45 – 50).

Regarding claims 49, 53, 57 the computer program product of claim 46 in which the computer readable program code means is implemented within the development tool (1:50 – 55).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 58 – 62, 64 – 68, and 76 – 80 are rejected under 35 U.S.C. 102(e) as being anticipated by Nielsen US 6,373,502 B1.

Regarding claims 58, 64, 76 and 79, a computer program product for generating pop-up windows for a computer system, the program product comprising a computer usable medium tangibly embodying computer readable program code means for implementation in

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combination with a development tool, the development tool accepting a set of input definition data having a format selected from SGML or XML, the input definition data comprising link definition data and content definition data, the computer readable program code means comprising (1:35 – 65):

code means for generating browser-readable content code based on the content definition data, the browser-readable content code being addressable by a pop-up content name, code means for identifying a pop-up specifier including a defined indicia, initially contained in the link definition data, code means for generating browser-readable link code based on the link definition data and comprising invocable code for opening a pop-up window to display content derived from an browser-readable content definition, the browser-readable content definition being specified by an associated identifier, and browser-readable code corresponding to the pop-up specifier and comprising an invocation of the invocable code such that the associated identifier is defined with reference to the pop-up content name also see (1:35 – 65 and 6:45 – 65).

Regarding claims 59 and 65, the computer program product of claim 58 in which the browser-readable code is HTML code (1:35 – 65).

Regarding claims 60 and 66, the computer program product of claim 58 in which the invocable code is an invocable routine and the associated identifier is a parameter for the routine (1:35 – 65).

Regarding claims 61 and 67, the computer program product of claim 58 in which the computer readable program code means comprises a post-processor, the development tool comprising means for generating first intermediate browser-readable data based on the content definition data and second intermediate browser-readable data based on the link definition data, the development tool passing the pop-up link definition from the link definition data to the second intermediate browser-readable data, the post-processor comprising code means for accepting the intermediate browser-readable data as input (1:35 – 65).

Regarding claims 62 and 68, the computer program product of claim 61 in which the code means for identifying a pop-up specifier including a defined indicia comprises code means for scanning the second intermediate browser-readable data to locate the defined indicia(1:35 – 65).

Regarding claims 63 and 69, the computer program product of claim 58 in which the computer readable program code means is

implemented within the development tool (1:35 – 65).

Regarding claims 77 and 80, the method of claim 76 further comprising the steps of, after accepting the set of definition files: generating first intermediate browser-readable data based on the content definition data and second intermediate browser-readable data based on the link definition data, and passing the pop-up link definition from the link definition data to the second intermediate browser-readable data, and in which the step of generating browser-readable content code comprises the step of accepting the first intermediate browser-readable data as input and processing that data to generate the browser-readable content code, and in which the step of generating browser-readable link code comprises the step of accepting the second intermediate browser-readable data as input and processing that file to generate the browser-readable link code (1:35 – 65).

Regarding claims 78 and 81, the method of claim 77 in which the step of identifying a pop-up specifier including a defined indicia comprises the step of scanning the second intermediate browser-readable data to locate the defined indicia (1:35 – 65).

Correspondence Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached between Monday and Thursday, at 11:00 am - 4:300pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chuck O Kendall/

Primary Examiner, Art Unit 2192